



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

**FROM:** Malcolm Hunt, Director of Planning and Development Services

**MEETING DATE:** March 30, 2009

**SUBJECT:** Report PLPD09-019  
Zoning By-Law Amendment  
329 McDonnell Street

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## **PURPOSE**

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 329 McDonnell Street to permit Transitional Uses of the Central Area as permitted in the Official Plan.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD09-019 dated March 30, 2009, of the Director of Planning and Development Services, as follows:

- a) That the zoning of the subject property, be amended from the C.4-1 – Commercial District to the SP. 343 F – “H” Special District Commercial in accordance with the draft amendment attached as Exhibit ‘D’ to Report PLPD09-019.
- b) That the ‘H’ Holding Symbol be removed once Site Plan Approval is granted for the subject property.

## **RATIONALE**

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Commercial' on Schedule 'A' – Land Use of the City of Peterborough Official Plan, 'Central Area' on Schedule 'I' – Commercial Areas and Transitional Uses Area on Schedule 'J' – Central Area Land Use Plan. The proposed SP. 343 zoning district being created for the subject property and potentially other Transitional Uses properties is in compliance with Schedule 'J', the Transitional Uses policies as included in the Central Area provisions of the Official Plan.

The reuse of the existing building and redevelopment of the property to support uses such as business and professional offices, a clinic and/or residential unit(s), introduces transitional uses for lands outside of the commercial core, compatible with surrounding residential uses.

The proposed rezoning will introduce a list of permitted uses that implement the Central Area Transitional Uses policies of the Official Plan.

There is no specific redevelopment of the property being contemplated at this time, however, any future development of the land is subject to site plan approval.

## **BUDGET AND FINANCIAL IMPLICATIONS**

None at this time.

## **BACKGROUND**

The subject application was received on November 13, 2008 proposing an amendment to the Zoning By-Law to permit the use of the property for a range of commercial uses typically permitted under the Service and Commercial and Transitional Uses Sub-Area of the Official Plan. Through the review process the list of permitted uses was refined and the applicant agreed to pursue a range of uses more consistent with the planned intent of the Transitional Uses Sub Area.

The property has been operated by the current owners since 1989 as Peterborough Volkswagon. The current owners are relocating the business to Chemong Road and are applying to permit the future use of the property be more consistent with the mixed use of the neighbourhood and as permitted by the Official Plan.

The property was the subject of a rezoning application in 1999. The 1999 application resulted in the current C.4 – 1 – Commercial District being applied to the properties known as 505 and 507 Rubidge Street. At the time, the applicants intended to remove both dwellings to support an addition to the automobile sales and service use of the adjacent property at 329 McDonnel Street. Since 1999, the former dwelling at 505 Rubidge Street has been removed, and the properties known as 505 & 507 Rubidge Street have merged in title with the property known as 329 McDonnel Street.

## **ANALYSIS**

### **a) Official Plan**

The lands are currently designated “Commercial” on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The lands are included in the Central Area on the Commercial Areas Schedule ‘I’ and identified as a ‘Transitional Uses Area’ on the Central Area Land Use Plan – Schedule ‘J’.

The planned function of the Central Area is to serve the City and surrounding region with business and professional offices in addition to retail, entertainment, culture and recreation facilities, tourism and hospitality, some service commercial uses and government, institutions, residential and community uses.

The Central Area is further subdivided into sub areas with unique ranges of land use appropriate for each area. The properties at 329 McDonnel Street and 505 and 507 Rubidge Street are subject to the Transitional Uses policies included in Sub-Area 5 (Section 4.3.2.2.6) of the Official Plan. These lands are intended to provide a transition between the Commercial Core and Waterfront Area and the residential areas outside of the Central Area. The policies anticipate that the lands within the transitional sub area be converted to support high and medium density residential development, small scale office and studio uses, and home based business activity operating under relaxed zoning regulations. Additional flexibility is provided at the edge of the Commercial Core and Waterfront Commercial Areas, to also include small scale specialty retail and hospitality uses such as small scale restaurants and inns. The proposed rezoning of the property implements the uses contemplated by these Transitional Uses policies of the Official Plan.

The neighbourhood is characterized by a combination of commercial, open space, and residential dwellings. The location of the property within proximity to the core, and along an arterial road, provides an opportunity to integrate alternate uses through zoning amendment.

### **b) Zoning By-law**

The subject property is currently zoned C.4-1 – Commercial District, permitting a range of Service Commercial Uses. The property is presently used as a car dealership permitted under the existing zoning of the site.

Permitted uses under the existing zoning include:

- (a) a service station
- (b) an animal hospital or office of a veterinarian
- (c) a car wash
- (d) a church
- (e) a place of assembly
- (f) a restaurant
- (g) a hotel
- (h) a parking lot or parking garage
- (i) a taxi stand
- (j) a dry-cleaning establishment - Class 2
- (k) a funeral parlour
- (l) a retail establishment for the sale of;
  - i) building products and contractor supplies
  - ii) farm equipment
  - iii) farm supplies, grain and feed
  - iv) motor vehicles
  - v) motor vehicle parts
  - vi) boats, trailers, travel trailers and mobile homes
- (m) a nursery or greenhouse
- (n) a public garage
- (o) an auto body repair establishment
- (p) a muffler, auto glass, or other motor vehicle repair establishment
- (q) a rental establishment
- (r) a repair shop
- (s) a miniature golf course

The applicant has requested a zoning by-law amendment to rezone the property to permit a range of new uses in keeping with the Transitional Uses policies of the Official Plan.

The SP. 343 zoning district has been developed as a generic zoning district which can be applied to properties seeking to implement the Transitional Uses policies of the Official Plan, particularly in locations served by major streets where there is an established commercial history and in close proximity to the Commercial Core. The proposed uses for the SP. 343 District are as follows:

- (a) an office, excluding a veterinary office
- (c) a bank, financial institution or loan company
- (d) a clinic
- (e) a personal service use
- (f) a retail establishment
- (g) a restaurant
- (h) a video rental establishment
- (i) a funeral home
- (j) a place of assembly
- (k) a church
- (l) an art studio
- (m) an art school, music school, dance school or fine arts school
- (n) a gymnasium or health club
- (o) a dwelling unit
- (p) a multi-suite residence
- (q) a hotel

(r) an established use

While the list of permitted uses have been refined from Service Commercial Uses to those more consistent with the Transitional Uses Sub Area, the applicant has requested that the new zoning district continue to permit the retail sale of motor vehicles. Staff do not have any concerns with this use continuing on the subject property, however, in developing a generic zoning district for the Transitional Uses Sub Area, it is not an appropriate use for other properties with this designation. In developing the SP. 343 zoning district it was determined that by permitting an “established use” which exists at the time of the passage of the by-law, the existing use would be legally recognized. Therefore, the “established use” of the subject property as the retail sale of motor vehicles would continue to be a permitted use under the new zoning.

A significant portion of the subject property is located within the floodplain of the Jackson Creek. Otonabee Conservation has requested that an ‘F’ – Flood Symbol be applied to the new zoning. The proposed zoning by-law reflects this request. The City’s Comprehensive Zoning By-Law has been amended in relation to a previous zoning amendment, to introduce provisions related to the ‘F’ symbol as follows:

*“3.2.1 The “F” symbol, attached to a zoning district indicates that the property is subject to flooding, either in whole or in part and no development may take place unless it is consistent with the Flood Plain policies of Section 3.4 of the City of Peterborough Official Plan.”*

Further, an ‘H’ – Holding Provision is being applied to the zoning for the subject property, which would be removed upon approval of a Site Plan for any redevelopment of the property.

### **c) Site Development**

The applicant has provided a Site Plan for the existing development of the property, illustrating the existing building coverage of approximately 40% and a combination of existing driveway and parking area representing approximately 45% of the lot area. The landscaped area represents approximately 15% of the total lot area.

Site Plan Approval will be required to formalize the new parking layout and to reflect the road widening and daylighting triangle conveyance to the City.

## **RESPONSE TO NOTICE**

### **a) Significant Agency Responses:**

Agency circulation was issued on December 5, 2008.

ORCA has advised that a substantial portion of the property is within the flood plain including the dwelling at 507 Rubidge Street. As a result, ORCA has advised that uses such as institutional uses associated with hospital, nursing homes, pre-school, day nurseries and schools, emergency services, electrical substations, and uses associated with the disposal, treatment or storage of hazardous materials cannot be located in the floodplain areas of the property. The existing use of the building is for residential purposes and is thereby recognized as the 'established use' in the SP.343 zoning proposed for the property.

ORCA further requested the introduction of an "F" – Flood Symbol identifying the Floodplain as it impacts the property. This request has been accommodated in the proposed by-law.

Peterborough Utilities has advised that servicing to 505 and 507 Rubidge Street will need to be reviewed as part of Site Plan Approval.

Utility Services Department requests cash-in-lieu of parkland where applicable. The reuse of the existing building in this instance, does not entitle the City to collect cash-in-lieu of parkland, under the provisions of the Planning Act, R.S.O. 1990, c.P.13. The Utility Services Department also advise that a 3 metre road widening along Reid Street will be required to be conveyed to the City, including a daylighting triangle at the Reid Street/McDonnel Street intersection.

The City's Heritage Resources Coordinator has provided the following comments with regard to the existing dwelling on the subject lands, known as 507 Rubidge Street.

*The James Hall Cottage, now located at 507 Rubidge St. was constructed in 1837 and was the first home of James Hall one of the most prominent citizens in 19<sup>th</sup> century Peterborough. James Hall owned a large mercantile business, was the City's third mayor, a member of the legislative assembly of Upper Canada and an MP for the area. When Dr. Hutchison died in 1847 during a typhus outbreak, Mrs. Hutchison and her children moved into the Hall cottage. The Halls had recently constructed a much larger brick house nearby. The house was relocated to its current site about 1875 where it was placed on a stone foundation and its original stucco exterior was replaced with clapboard siding. The building is one of the earliest wood frame residences still in existence in the City and has a strong historical association with two very prominent families in the early history of Peterborough.*

*The building has been reviewed using the Municipal Heritage Committee's (PACAC) evaluation system. With a score of 60 it is a Category B building and is in the range of properties appropriate for designation. The building is a strong candidate for relocation and consideration should be given to facilitating its rehabilitation for housing possibly by an affordable housing agency or the City itself.*

The building is illustrated on the approved Site Plan, registered on title. Removal or demolition of the building would be subject to an amendment to the approved plan which requires City approval.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

**b) Summary of Public Responses:**

Notice of Complete Application was issued on January 2, 2009 and Notice of Public Meeting was issued on March 5, 2009 by direct mail and by newspaper advertisement (Peterborough Examiner). The notice complies with the requirements of the Planning Act.

No public written responses were received as a result of the circulation.

Submitted by,

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Malcolm Hunt, Director,  
Planning and Development Services

Prepared by,

Concurred with,

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Caroline Kimble,  
Land Use Planner

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Ken Hetherington,  
Manager of Planning

**Contact Name:**

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**Attachments:**

Exhibit A - Land Use Map  
Exhibit B - Concept Plan  
Exhibit C - Draft Zoning By-law

# Land Use Map

EXHIBIT 'A'  
PAGE 1 OF 1

File # z08922

Property Location: 329 McDonnel St and 505,507 Rubidge St



The City of Peterborough Planning Division

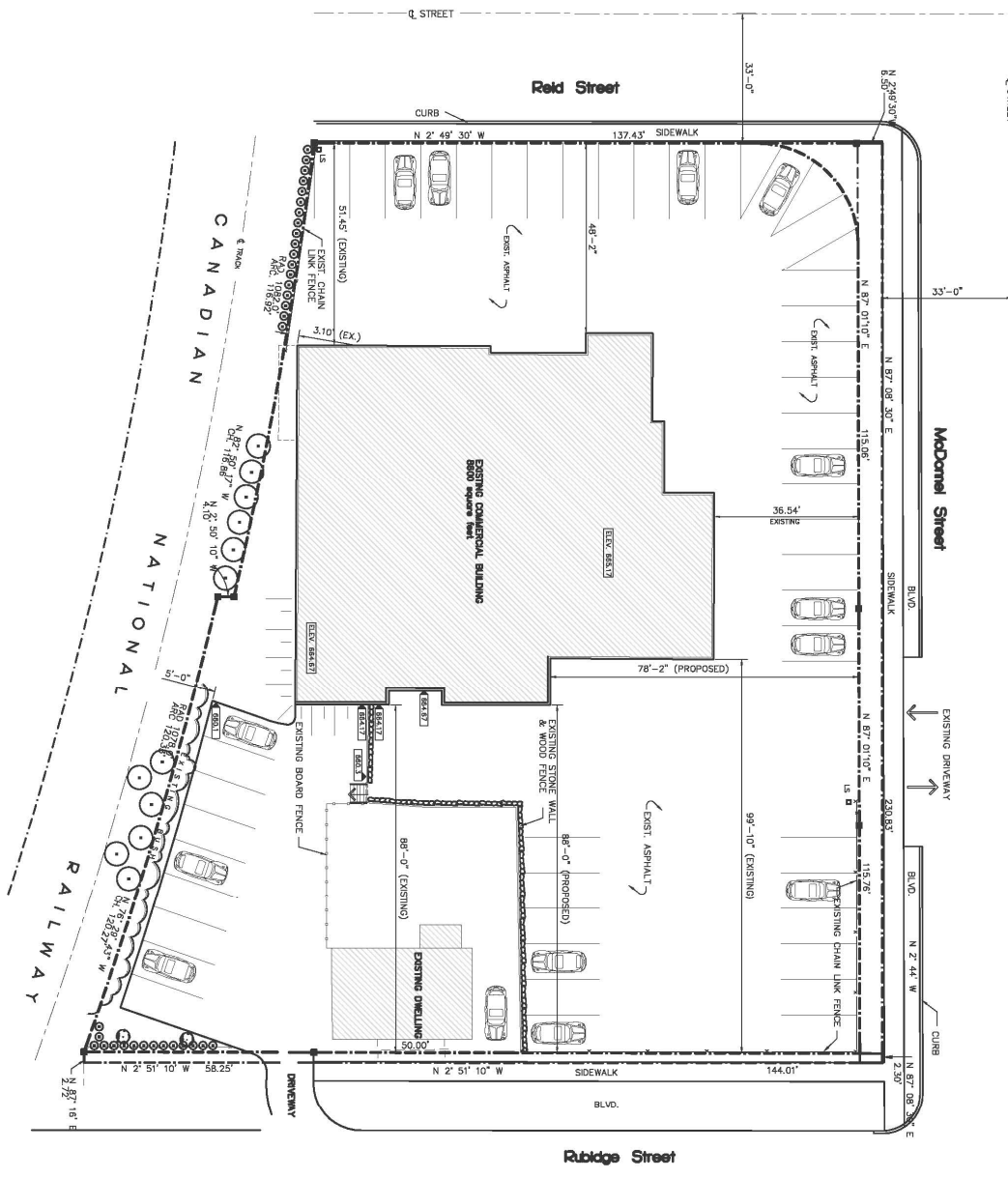



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Date - December 2008  
Dwg. by - CBerry  
Scale - 1:1800



**EXHIBIT 'B'**  
**PAGE 1 OF 1**



 <b>TREVELYAN ARCHITECT INC.</b> Suite 201- 379 George Street North Peterborough, Ontario K9H 3R2 mail@trevelyan.ca p. 705 745 7055 f. 705 745 3318	<b>329 McDonnell Street</b> Peterborough, Ontario <b>SITE PLAN</b> Scale 1" = 25'-0" Date Dec 20, 2008 <b>2545</b>
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**EXHIBIT 'C'**  
**PAGE 1 OF 4**

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 09- \_\_\_\_\_**

**BEING A BY-LAW TO AMEND THE ZONING FOR 329 MCDONNEL STREET  
AND 505 AND 507 RUBIDGE STREET**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL  
THEREOF HEREBY ENACTS AS FOLLOWS:

1. By-Law 1997-123 is amended by adding Section 373 as follows:

**“SECTION 373**

**SPECIAL DISTRICT 343 (SP.343)**

373.1 For the purpose of this by-law, land use district “Special District 343” hereby established and may be referred to as the symbol “SP.343”.

**PERMITTED USES**

373.2 No person shall within any SP.343 District use any land or erect, alter or use any building or part thereof for any purpose other than:

- (a) an office, excluding a veterinary office
- (c) a bank, financial institution or loan company
- (d) a clinic
- (s) a personal service use
- (t) a retail establishment
- (u) a restaurant
- (v) a video rental establishment
- (w) a funeral home
- (x) a place of assembly
- (y) a church
- (z) an art studio
- (aa) an art school, music school, dance school or fine arts school
- (bb) a gymnasium or health club
- (cc) a dwelling unit
- (dd) a multi-suite residence
- (ee) a hotel
- (ff) an established use

**REGULATIONS****EXHIBIT 'C'**  
**PAGE 2 OF 4**

373.3 No person shall within any SP.343 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations;

<b>Type</b>	<b>Requirement</b>
a) minimum lot width	15 metres
b) minimum lot area per dwelling unit	140 square metres
c) minimum building setback - side or rear lot line	1.5 metres or one half the height of the building whichever is the greater
d) maximum building coverage	50%
e) maximum commercial floor area per commercial purpose	700 m <sup>2</sup>
f) maximum number of storeys	5
g) landscaped open space including a planting strip, having a minimum width of 3 metres shall be provided and maintained along a lot line abutting a residential or development district	
h) landscaped open space of a minimum width of 1.5 metres shall be provided and maintained along a street line provided that such open space may be interrupted by driveways	

373.4 SP.343 District is hereby designated as a commercial district.

2. Map 12a forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" **from C.4 –1 to SP.343 F – "H"**.

3. The "H" – Holding Symbol will be removed from the Zoning By-Law upon Site Plan Approval being granted for the subject property.

**EXHIBIT 'C'**  
**PAGE 3 OF 4**

By-law read a first, second and third time this                      day of                      , 2009.

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D. Paul Ayotte, Mayor

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Nancy Wright-Laking, City Clerk

**EXHIBIT 'C'**  
**PAGE 4 OF 4**

